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COMPILATION OF RULES OF PROCEDURE ADOPTED BY HUMAN RIGHTS TREATY BODIES

Note by the Secretariat

In resolution 55/90, the General Assembly requested the Secretary-General to compile the rules of procedure of the human rights treaty bodies. This document was prepared pursuant to that request. It contains a compilation of the rules of procedure adopted, respectively, by the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, and the Committee on the Rights of the Child.

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Chapter I

RULES OF PROCEDURE OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*

Provisional rules of procedure adopted by the Committee at its third session (1989)

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* This chapter is taken from the document E/C.12/1990/4/Rev.1 and embodies amendments adopted by the Committee at its fourth (1990) and eighth (1993) sessions.

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PART ONE. GENERAL RULES

I. SESSIONS

Duration and venue of the sessions

Rule 1

The Committee on Economic, Social and Cultural Rights (hereinafter referred to as "the Committee") shall meet annually for a period of up to three weeks, or as may be decided by the Economic and Social Council (hereinafter referred to as "the Council") taking into account the number of reports to be examined by the Committee. Sessions of the Committee shall be held at Geneva or wherever the Council so decides.

Dates of sessions

Rule 2

Sessions of the Committee shall be convened at dates decided by the Council in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General").

Notification of the opening date of sessions

Rule 3

The Secretary-General shall notify the members of the Committee of the date of the first meeting of each session. Such notifications shall be sent at least six weeks in advance of the session.

II. AGENDA

Provisional agenda for the sessions

Rule 4

The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Council in fulfilment of its responsibilities under the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant");

(c) Any item proposed by the Chairperson of the Committee;

(d) Any item proposed by a State party to the Covenant;

(e) Any item proposed by a member of the Committee;

(f) Any item proposed by the Secretary-General.

Adoption of the agenda

Rule 5

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 14 of these rules.

Revision of the agenda

Rule 6

During a session, the Committee may revise the agenda and may, as appropriate, add, delete or defer items.

Transmission of the provisional agenda and basic documents

Rule 7

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible.

Organization of work

Rule 8

At the beginning of each session the Committee shall consider appropriate organizational matters, including the schedule of its meetings and the possibility of holding a general discussion on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant.

III. MEMBERS OF THE COMMITTEE

Members

Rule 9

Members of the Committee shall be the 18 experts elected by the Council in accordance with paragraphs (b) and (c) of its resolution 1985/17.

Term of office

Rule 10

The term of office of members elected to the Committee shall begin on 1 January following their election and expire on 31 December following the election of members that are to succeed them as members of the Committee.

Declaration of casual vacancies

Rule 11

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by the member in writing directly to the Chairperson or the Secretary-General and action shall be taken to declare the seat vacant only after such notification has been received.

Filling of casual vacancies

Rule 12

1. When a vacancy is declared in accordance with rule 11 of these rules and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General shall notify each of the States parties of the regional group to which the vacant seat in the Committee is allocated in accordance with paragraph (b) of Council resolution 1985/17. Those States parties may within two months submit nominations in accordance with the relevant provisions of paragraphs (b) and (c) of the same resolution.

2. The Secretary-General shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the Council. The Council shall hold the election to fill the vacancy in the Committee in accordance with the procedure established in paragraph (c) of its resolution 1985/17. The election shall take place at the session of the Council following the deadline for the submission of nominations for the vacant seat.

3. A member of the Committee elected to fill the vacancy declared in accordance with rule 11 of these rules shall hold office for the remainder of the term of the member who vacated the seat on the Committee.

Solemn declaration

Rule 13

Before assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly undertake to discharge my duties as a member of the Committee on Economic, Social and Cultural Rights impartially and conscientiously."

IV. OFFICERS

Elections

Rule 14

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur, with due regard for equitable geographical representation.

Term of office

Rule 15

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he or she ceases to be a member of the Committee.

Position of the Chairperson in relation to the Committee

Rule 16

The Chairperson shall perform the functions conferred upon him by the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 17

If during a session the Chairperson is unable to be present at a meeting or any part thereof, he or she shall designate one of the Vice-Chairpersons to act in his or her place.

Powers and duties of the Acting Chairperson

Rule 18

A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Replacement of officers

Rule 19

If any of the officers of the Committee ceases to serve or declares inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 20

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee shall be provided by the Secretary-General.

2. The Secretary-General shall provide the Committee with the necessary staff and facilities for the effective performance of its functions, bearing in mind the need to give adequate publicity to its work.

Statements

Rule 21

The Secretary-General or his representative shall attend all meetings of the Committee and, subject to rule 33 of these rules, may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Keeping the members informed

Rule 22

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 23

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 24

Arabic, English, French, Russian and Spanish shall be the official languages of the Committee and English, French, Russian and Spanish shall be the working languages of the Committee.

Interpretation

Rule 25

1. Statements made in an official language shall be interpreted into the other official languages.

2. A speaker may make a statement in a language other than an official language if he provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Languages of records

Rule 26

Summary records of the meetings of the Committee shall be drawn up and distributed in English, French and Spanish.

Languages of formal decisions and official documents

Rule 27

All formal decisions of the Committee to be submitted to the Council shall be made available in the official languages of the Council. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Council so decides, be issued in all the official languages of the Council.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 28

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise.

Issue of communiqués concerning private meetings

Rule 29

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

VIII. RECORDS

Summary records of the proceedings and corrections to them

Rule 30

1. The Secretary-General shall provide the Committee with summary records of its proceedings, which shall be made available to the Council at the same time as the report of the Committee.

2. Summary records are subject to correction to be submitted by participants in the meetings to the Secretariat in the language in which the summary record is issued. Corrections to the records of the meetings shall be consolidated in a single corrigendum to be issued shortly after the end of the session concerned.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 31

Reports, formal decisions and all other official documents of the Committee shall be documents of general distribution unless the Committee decides otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 32

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 33

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He or she shall rule on points of order and shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

Time limit for statements

Rule 34

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call him or her to order without delay.

List of speakers

Rule 35

During the course of a debate, the Chairperson may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairperson may, however, accord the right of reply to any member or representative if a statement delivered after the list is declared closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Points of order

Rule 36

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairperson in accordance with the rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Suspension or adjournment of meetings

Rule 37

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 38

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 39

1. When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

2. A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 40

Subject to rule 36 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) To close the debate on the item under discussion.

Submission of proposals

Rule 41

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a subsequent day.

Decisions on competence

Rule 42

Subject to rule 40 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 43

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsideration of proposals

Rule 44

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

XI. VOTING

Voting rights

Rule 45

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 46

Decisions of the Committee shall be made by a majority of the members present. However, the Committee shall endeavour to work on the basis of the principle of consensus.

Equally divided votes

Rule 47

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

Method of voting

Rule 48

1. Subject to rule 53 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

2. The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 49

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 50

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 51

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 52

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motion requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Methods of elections

Rule 53

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 54

1. When only one elective place is to be filled, and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a candidate is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted and so on until a candidate is elected.

Conduct of elections when two or more elective places are to be filled

Rule 55

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining the required majority is less than the number of members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot and to a number no more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots and to a number not more than twice the places remaining to be filled. The following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Ad hoc subsidiary bodies

Rule 56

1. Subject to rule 24, paragraph 2, of the rules of procedure of the Economic and Social Council, the Committee may set up ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XIV. REPORT OF THE COMMITTEE

Annual report

Rule 57

1. The Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report. A list of State parties to the Covenant shall be annexed to the report of the Committee together with an indication of the status of submission of reports by States parties.

2. The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of these rules of procedure.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Submission of reports

Rule 58

1. In accordance with article 16 of the Covenant, the States parties shall submit to the Council for consideration by the Committee reports on the measures which they have adopted and progress made in achieving the observance of the rights recognized in the Covenant.

2. In accordance with article 17 of the Covenant and Council resolution 1988/4, the States parties shall submit their initial reports within two years of the entry into force of the Covenant for the State party concerned and thereafter periodic reports at five-year intervals.

Non-submission of reports

Rule 59

1. At each session, the Secretary-General shall notify the Committee of all cases of non-submission of reports under rule 58 of these rules. In such cases the Committee may recommend to the Council to transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such reports.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report required under rule 58 of these rules, the Committee shall so state in the annual report which it submits to the Council.

Form and content of reports

Rule 60

1. Upon approval of the Council, the Committee may inform the States parties, through the Secretary-General, of its wishes regarding the form and contents of the reports to be submitted under article 16 of the Covenant and the programme established by Council resolution 1988/4.

2. The general guidelines for reports by the States parties may, when necessary, be considered by the Committee with a view to making suggestions for their improvement.

Consideration of reports

Rule 61

1. The Committee shall consider the reports submitted by States parties to the Covenant in accordance with the programme established by Council resolution 1988/4.

2. The Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General.

3. Reports of the States parties scheduled for consideration by the Committee shall be made available to the members of the Committee at least six weeks before the opening of the session of the Committee. Any reports by States parties received by the Secretary-General for processing less than 12 weeks before the opening of the session shall be made available to the Committee at its session in the following year.

Attendance by States parties at examination of reports

Rule 62

1. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined. Such representatives should be able to make statements on the reports submitted by their States and reply to questions which may be put to them by the members of the Committee.

2. The Secretary-General shall notify the States parties as early as possible of the opening date and duration of the session of the Committee at which their respective reports are scheduled for consideration. For the meetings referred to in the preceding paragraph, representatives of the States parties concerned shall be specially invited to attend.

3. Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

Request for additional information

Rule 63

1. When considering a report submitted by a State party under article 16 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under existing guidelines.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request the State concerned to furnish the additional information which is required, indicating the manner as well as the time within which the said information should be submitted.

Suggestions and recommendations

Rule 64

The Committee shall make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and of the reports submitted by the specialized agencies in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may also make suggestions for the consideration by the Council with reference to articles 19 and 23 of the Covenant.

General comments

Rule 65

The Committee may prepare general comments based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations.

XVI. REPORTS FROM SPECIALIZED AGENCIES UNDER ARTICLE 18 OF THE COVENANT

Submission of reports

Rule 66

In accordance with the provisions of article 18 of the Covenant and the arrangements made by the Council thereunder, the specialized agencies are called upon to submit reports on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Consideration of reports

Rule 67

The Committee is entrusted with the task of considering the reports of the specialized agencies, submitted to the Council in accordance with article 18 of the Covenant and the programme established under Council resolution 1988 (LX).

Participation of specialized agencies

Rule 68

The specialized agencies concerned shall be invited to designate representatives to participate at the meetings of the Committee. Such representatives may make statements on matters falling within the scope of the activities of their respective organizations in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies.

XVII. OTHER SOURCES OF INFORMATION

Submission of information, documentation and written statements

Rule 69

1. Non-governmental organizations in consultative status with the Council may submit to the Committee written statements that might contribute to full and universal recognition and realization of the rights contained in the Covenant.

2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the Committee's pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.

3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable, and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records.

4. The Committee may recommend to the Council to invite United Nations bodies concerned and regional intergovernmental organizations to submit to it information, documentation and written statements, as appropriate, relevant to its activities under the Covenant.

PART THREE. INTERPRETATION AND AMENDMENTS

XVIII. INTERPRETATION AND AMENDMENTS

Underlined headings

Rule 70

The underlined headings of these rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

Amendments

Rule 71

These rules of procedure may be amended by a decision of the Committee, subject to approval of the Council.

Approval of and modification by the Council

Rule 72

These rules of procedure are subject to the approval by the Council and shall remain in force insofar as they are not superseded or modified by decisions of the Council.

Chapter II

RULES OF PROCEDURE OF THE HUMAN RIGHTS COMMITTEE*

* This chapter is taken from the document CCPR/C/3/Rev.6 and Corr.1. Provisional rules of procedure were initially adopted by the Committee at its first and second sessions and subsequently amended at its third, seventh and thirty-sixth sessions. At its 918th meeting, on 26 July 1989, the Committee decided to make its rules of procedure definitive, eliminating the term "provisional" from the title. The rules of procedure were subsequently amended at the forty-seventh, forty-ninth, fiftieth, and fifty-ninth sessions. The current version of the rules was adopted at the Committee's 1924th meeting during its seventy-first session in March 2001.

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PART ONE. GENERAL RULES

I. SESSIONS

Sessions

Rule 1

The Human Rights Committee (hereinafter referred to as "the Committee") shall hold sessions as may be required for the satisfactory performance of its functions in accordance with the International Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant").

Dates of sessions

Rule 2

1. The Committee shall normally hold three regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairperson may convene special sessions in consultation with the other officers of the Committee. The Chairperson of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Covenant.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairperson in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance and, in the case of a special session, at least 18 days in advance.

Place of sessions

Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chairperson of the Committee, in conformity with the relevant provisions of the Covenant and of the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter referred to as "the Protocol"), and shall include:

(a) Any item the inclusion of which has been ordered by the Committee at a previous session;

(b) Any item proposed by the Chairperson of the Committee;

(c) Any item proposed by a State party to the Covenant;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General relating to functions of the Secretary-General under the Covenant, the Protocol or these rules.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

Adoption of agenda

Rule 8

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the officers when required under rule 17 of these rules.

Revision of agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and the basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General, who shall endeavour to have the documents transmitted to the members at least six weeks prior to the opening of the session.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

The members of the Committee shall be the 18 persons elected in accordance with articles 28 to 34 of the Covenant.

Beginning of term of office

Rule 12

The term of office of the members of the Committee elected at the first election shall begin on 1 January 1977. The term of office of members of the Committee elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Committee whom they replace.

Vacancies

Rule 13

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out the functions of the member for any cause other than absence of a temporary character, the Chairperson of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairperson shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by that member in writing directly to the Chairperson or to the Secretary-General and action shall be taken to declare the seat of that member vacant only after such notification has been received.

Rule 14

A vacancy declared in accordance with rule 13 of these rules shall be dealt with in accordance with article 34 of the Covenant.

Rule 15

Any member of the Committee elected to fill a vacancy declared in accordance with article 33 of the Covenant shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Solemn declaration

Rule 16

Before assuming duties as a member, each member of the Committee shall give the following solemn undertaking in open Committee:

"I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

IV. OFFICERS

Elections

Rule 17

The Committee shall elect from among its members a Chairperson, three Vice-Chairpersons and a Rapporteur.

Term of office

Rule 18

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office after ceasing to be a member of the Committee.

Position of the Chairperson

Rule 19

The Chairperson shall perform the functions conferred upon the Chairperson by the Covenant, the rules of procedure and the decisions of the Committee. In the exercise of those functions, the Chairperson shall remain under the authority of the Committee.

Acting Chairperson

Rule 20

If during a session the Chairperson is unable to be present at a meeting or any part thereof, the Chairperson shall designate one of the Vice-Chairpersons to act as Chairperson.

Rights and duties of the Acting Chairperson

Rule 21

A Vice-Chairperson acting as Chairperson shall have the same rights and duties as the Chairperson.

Replacement of officers

Rule 22

If any of the officers of the Committee ceases to serve or declares to be unable to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of the predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 23

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

2. The Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Covenant.

Statements

Rule 24

The Secretary-General or representative of the Secretary-General shall attend all meetings of the Committee. Subject to rule 38 of these rules, the Secretary-General or the representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 25

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 26

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 27

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 28

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and Arabic, English, French, Russian and Spanish the working languages of the Committee.

Interpretation

Rule 29

Speeches made in any of the working languages shall be interpreted into the other working languages. Speeches made in an official language shall be interpreted into the working languages.

Interpretation from an unofficial language

Rule 30

Any speaker addressing the Committee and using a language other than one of the official languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in the first working language.

Languages of summary records

Rule 31

Summary records of the meetings of the Committee shall be drawn up in the working languages.

Languages of formal decisions and official documents

Rule 32

All formal decisions of the Committee shall be made available in the official languages. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Committee so decides, be issued in all the official languages.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 33

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Protocol that the meeting should be held in private. The adoption of concluding observations under article 40 shall take place in closed meetings.

Issues of communiqués concerning private meetings

Rule 34

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Correction of provisional summary records

Rule 35

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee and to any others participating in the meeting. All such participants may, within three working days after receipt of the provisional record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chairperson of the Committee or the Chairperson of the subsidiary body to which the record relates or, in the case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 36

1. The summary records of public meetings of the Committee in their final form shall be documents of general distribution unless, in exceptional circumstances, the Committee decides otherwise.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such circumstances as the Committee may decide.

IX. CONDUCT OF BUSINESS

Quorum

Rule 37

Twelve members of the Committee shall constitute a quorum.

Powers of the Chairperson

Rule 38

The Chairperson shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairperson may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. The Chairperson shall rule on points of order and shall have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairperson may call a speaker to order if that speaker's remarks are not relevant to the subject under discussion.

Points of order

Rule 39

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided by the Chairperson in accordance with the rules of procedure. Any appeal against the ruling of the Chairperson shall immediately be put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Adjournment of the debate

Rule 40

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Time limit for statements

Rule 41

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairperson shall call that speaker to order without delay.

Closure of debate

Rule 42

When the debate on an item is concluded because there are no other speakers, the Chairperson shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Permission to speak on the closure of the debate

Rule 43

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Suspension or adjournment of meetings

Rule 44

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Order of motions

Rule 45

Subject to rule 39 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 46

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on the following day.

Decisions on competence

Rule 47

Subject to rule 45 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of proposals

Rule 48

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by another member.

Reconsideration of proposals

Rule 49

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

X. VOTING

Voting rights

Rule 50

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 51*

Except as otherwise provided in the Covenant or elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

Method of voting

Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairperson.

Roll-call votes

Rule 53

The vote of each member participating in a roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, it shall not be interrupted unless a member raises a point of order in connection with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairperson before the voting has commenced or after the voting has been completed.

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* The Committee decided, at its first session, that in a footnote to rule 51 of the provisional rules of procedure attention should be drawn to the following:

1. The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the rules of procedure were observed and that such attempts did not unduly delay the work of the Committee.

2. Bearing in mind paragraph 1 above, the Chairperson at any meeting may, and at the request of any member shall, put the proposal to a vote.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Methods of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

1. When only one person or member is to be elected and no candidate obtains the required majority in the first ballot, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.

3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority in the first ballot shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 61

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

XI. SUBSIDIARY BODIES

Add hoc subsidiary bodies

Rule 62

1. The Committee may, taking into account the provisions of the Covenant and the Protocol, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Subject to the provisions of the Covenant and the Protocol and unless the Committee decides otherwise, each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

XII. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 63

As prescribed in article 45 of the Covenant, the Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities, including a summary of its activities under the Protocol as prescribed in article 6 thereof.

XIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of reports and other official documents of the Committee

Rule 64

1. Without prejudice to the provisions of rule 36 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents of general distribution unless the Committee decides otherwise.

2. All reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 41 and 42 of the Covenant and to the Protocol shall be distributed by the Secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties pursuant to article 40 of the Covenant shall be documents of general distribution. The same applies to other information provided by a State party unless the State party concerned requests otherwise.

XIV. AMENDMENTS

Amendments

Rule 65

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Covenant and the Protocol.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Submission of reports

Rule 66

1. The States parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. Requests for submission of a report under article 40, paragraph 1 (b), of the Covenant may be made in accordance with the periodicity decided by the Committee or at any other time the Committee may deem appropriate. In the case of an exceptional situation when the Committee is not in session, a request may be made through the Chairperson, acting in consultation with the members of the Committee.

3. Whenever the Committee requests States parties to submit reports under article 40, paragraph 1 (b), of the Covenant, it shall determine the dates by which such reports shall be submitted.

4. The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and content of the reports to be submitted under article 40 of the Covenant.

Exchange of information with specialized agencies

Rule 67

1. The Secretary-General may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports from States members of those agencies as may fall within their field of competence.

2. The Committee may invite the specialized agencies to which the Secretary-General has transmitted parts of the reports to submit comments on those parts within such time limits as it may specify.

Attendance by States parties during the examination of reports

Rule 68

1. The Committee shall, through the Secretary-General, notify the States parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to that representative by the Committee and make statements on reports already submitted by the State party concerned, and may also submit additional information from that State party.

2. If a State party has submitted a report but fails to send any representative, in accordance with rule 68.1, under article 40, paragraph 1, of the Covenant, to the session at which it has been notified that its report will be examined, the Committee may, at its discretion, take one of the following courses:

(a) Notify the State party through the Secretary-General that at a specified session it intends to examine the report in accordance with rule 68.2 and thereafter act in accordance with rule 70.3; or

(b) Proceed at the session originally specified to examine the report and thereafter make and submit to the State party its provisional concluding observations and determine the date on which the report shall be examined under rule 68 or the date on which a new periodic report shall be submitted under rule 66.

3. Where the Committee acts under this rule, it shall so state in the annual report submitted under article 45 of the Covenant; provided that, where it acts under paragraph 2 (b) above, the report shall not include the text of the provisional concluding observations.

Non-submission of reports

Rule 69

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information requested under rules 66 and 70 of these rules. In such cases the Committee may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under rules 66 and 70 of these rules, the Committee shall so state in the annual report which it submits to the General Assembly of the United Nations through the Economic and Social Council.

Rule 69A

1. In cases where the Committee has been notified under rule 69.1 of the failure of a State to submit under rule 66.3 any report, under article 40, paragraph 1 (a) or (b) of the Covenant, and has sent reminders to the State party, the Committee may, at its discretion, notify the State party through the Secretary-General that it intends, on a date or at a session specified in the notification, to examine in a private session the measures taken by the State party to give effect to the rights recognized in the Covenant, and to proceed by adopting provisional concluding observations which will be submitted to the State party.

2. Where the Committee acts under paragraph 1 of this rule, it shall transmit to the State party, well in advance of the date or session specified, information in its possession which it considers appropriate as to the matters to be examined.

3. Where the Committee acts under this rule, it shall proceed in accordance with rule 68.3 and may set a date when it proceeds to act under rule 68.1.

Consideration of reports

Rule 70

1. When considering a report submitted by a State party under article 40 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under rule 66 of these rules.

2. If a report of a State party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted.

3. On the basis of its examination of any report or information supplied by a State party, the Committee may make appropriate concluding observations which will be communicated to the State party, together with notification of the date by which the next report, under article 40, shall be submitted.

4. No member of the Committee shall participate in the examination of State reports or the discussion and adoption of concluding observations if they involve the State party in respect of which he or she was elected to the Committee.

5. The Committee may request the State party to give priority to such aspects of its concluding observations as it may specify.

Consideration of replies by State party

Rule 70A

Where the Committee has specified for priority, under rule 70.5, certain aspects of its concluding observations on a State party's report, it shall establish a procedure to consider replies by the State party on those aspects and to decide what consequent action, including the date set for the next periodic report, may be appropriate.

Communication of General Comments

Rule 71

The Committee shall communicate, through the Secretary-General, to States parties the General Comments which it has adopted under article 40, paragraph 4, of the Covenant.

XVI. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER ARTICLE 41 OF THE COVENANT

Submission and contents of communications

Rule 72

1. A communication under article 41 of the Covenant may be referred to the Committee by either State party concerned by notice given in accordance with paragraph 1 (b) of that article.

2. The notice referred to in paragraph 1 of this rule shall contain or be accompanied by information regarding:

(a) Steps taken to seek adjustment of the matter in accordance with article 41, paragraphs 1 (a) and (b), of the Covenant, including the text of the initial communication and of any subsequent written explanations or statements by the States parties concerned which are pertinent to the matter;

(b) Steps taken to exhaust domestic remedies;

(c) Any other procedure of international investigation or settlement resorted to by the States parties concerned.

Permanent register

Rule 73

The Secretary-General shall maintain a permanent register of all communications received by the Committee under article 41 of the Covenant.

Transmittal of communications

Rule 74

The Secretary-General shall inform the members of the Committee without delay of any notice given under rule 72 of these rules and shall transmit to them as soon as possible copies of the notice and relevant information.

Examination of communications

Rule 75

1. The Committee shall examine communications under article 41 of the Covenant at closed meetings.

2. The Committee may, after consultation with the States parties concerned, issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 76

A communication shall not be considered by the Committee unless:

(a) Both States parties concerned have made declarations under article 41, paragraph 1, of the Covenant which are applicable to the communication;

(b) The time limit prescribed in article 41, paragraph 1 (b), of the Covenant has expired;

(c) The Committee has ascertained that all available domestic remedies have been invoked and exhausted in the matter in conformity with the generally recognized principles of international law, or that the application of the remedies is unreasonably prolonged.

Rule 77A

Subject to the provisions of rule 76 of these rules, the Committee shall proceed to make its good offices available to the States parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the Covenant.

Request for additional information

Rule 77B

The Committee may, through the Secretary-General, request the States parties concerned or either of them to submit additional information or observations orally or in writing. The Committee shall indicate a time limit for the submission of such written information or observations.

Attendance by States parties during the examination of communications and submission of information

Rule 77C

1. The States parties concerned shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

2. The Committee shall, through the Secretary-General, notify the States parties concerned as early as possible of the opening date, duration and place of the session at which the matter will be examined.

3. The procedure for making oral and/or written submissions shall be decided by the Committee, after consultation with the States parties concerned.

Adoption of report

Rule 77D

1. Within 12 months after the date on which the Committee received the notice referred to in rule 72 of these rules, the Committee shall adopt a report in accordance with article 41, paragraph 1 (h), of the Covenant.

2. The provisions of paragraph 1 of rule 77C of these rules shall not apply to the deliberations of the Committee concerning the adoption of the report.

3. The Committee's report shall be communicated, through the Secretary-General, to the States parties concerned.

Conciliation Commission

Rule 77E

If a matter referred to the Committee in accordance with article 41 of the Covenant is not resolved to the satisfaction of the States parties concerned, the Committee may, with their prior consent, proceed to apply the procedure prescribed in article 42 of the Covenant.

XVII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

Transmission of communications to the Committee

Rule 78

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under article 1 of the Protocol.

2. The Secretary-General, when necessary, may request clarification from the author of a communication as to whether the author wishes to have the communication submitted to the Committee for consideration under the Protocol. In case there is still doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 79 if it concerns a State which is not a party to the Protocol.

Rule 79

1. The Secretary-General shall prepare lists of the communications submitted to the Committee in accordance with rule 78 above, with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such communications.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request by that member.

Rule 80

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the Protocol to his communication, in particular regarding:

(a) The name, address, age and occupation of the author and the verification of the author's identity;

(b) The name of the State party against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Covenant alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the author of the communication with a view to avoiding undue delays in the procedure under the Protocol.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 79, paragraph 1, of these rules.

Rule 81

For each registered communication the Secretary-General shall as soon as possible prepare and circulate to the members of the Committee a summary of the relevant information obtained.

Consideration of communications by the Committee or its subsidiary bodies

Rule 82

Meetings of the Committee or its subsidiary bodies during which communications under the Protocol will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of the Protocol may be public if the Committee so decides.

Rule 83

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

Rule 84

1. A member shall not take part in the examination of a communication by the Committee:

(a) If the State party in respect of which he or she was elected to the Committee is a party to the case;

(b) If the member has any personal interest in the case; or

(c) If the member has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee.

Rule 85

If, for any reason, a member considers that he or she should not take part or continue to take part in the examination of a communication, the member shall inform the Chairperson of his or her withdrawal.

Rule 86

The Committee may, prior to forwarding its views on the communication to the State party concerned, inform that State of its views as to whether interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not imply a determination on the merits of the communication.

Determination of admissibility

Rule 87

1. The Committee shall decide as soon as possible and in accordance with the following rules whether the communication is admissible or is inadmissible under the Protocol.

2. A working group established under rule 89, paragraph 1, may also declare a communication admissible when it is composed of five members and all the members so decide.

Rule 88

1. Communications shall be dealt with in the order in which they are received by the Secretariat, unless the Committee or a working group established under rule 89, paragraph 1, decides otherwise.

2. Two or more communications may be dealt with jointly if deemed appropriate by the Committee or a working group established under rule 89, paragraph 1.

Rule 89

1. The Committee may establish one or more working groups to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5 (2) of the Protocol.

2. The rules of procedure of the Committee shall apply as far as possible to the meetings of the working group.

3. The Committee may designate special rapporteurs from among its members to assist in the handling of communications.

Rule 90

With a view to reaching a decision on the admissibility of a communication, the Committee, or a working group established under rule 89, paragraph 1, shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual, or individuals, subject to the jurisdiction of a State party to the Protocol;

(b) That the individual claims, in a manner sufficiently substantiated, to be a victim of a violation by that State party of any of the rights set forth in the Covenant. Normally, the communication should be submitted by the individual personally or by that individual's representative; a communication submitted on behalf of an alleged victim may, however, be accepted when it appears that the individual in question is unable to submit the communication personally;

(c) That the communication does not constitute an abuse of the right of submission;

(d) That the communication is not incompatible with the provisions of the Covenant;

(e) That the same matter is not being examined under another procedure of international investigation or settlement;

(f) That the individual has exhausted all available domestic remedies.

Rule 91

1. As soon as possible after the communication has been received, the Committee, a working group established under rule 89, paragraph 1, or a special rapporteur designated under rule 89, paragraph 3, shall request the State party concerned to submit a written reply to the communication.

2. Within six months the State party concerned shall submit to the Committee written explanations or statements that shall relate both to the communication's admissibility and its merits as well as to any remedy that may have been provided in the matter, unless the Committee, working group or special rapporteur has decided, because of the exceptional nature of the case, to request a written reply that relates only to the question of admissibility. A State party that has been requested to submit a written reply that relates only to the question of admissibility is not precluded thereby from submitting, within six months of the request, a written reply that shall relate both to the communication's admissibility and its merits.

3. A State party that has received a request for a written reply under paragraph 1 both on admissibility and on the merits of the communication, may apply in writing, within two months, for the communication to be rejected as inadmissible, setting out the grounds for such inadmissibility. Submission of such an application shall not extend the period of six months given to the State party to submit its written reply to the communication, unless the Committee, a working group established under rule 89, paragraph 1, or a special rapporteur designated under rule 89, paragraph 3, decides to extend the time for submission of the reply, because of the special circumstances of the case, until the Committee has ruled on the question of admissibility.

4. The Committee, a working group established under rule 89, paragraph 1, or a special rapporteur designated under rule 89, paragraph 3, may request the State party or the author of the communication to submit, within specified time limits, additional written information or observations relevant to the question of admissibility of the communication or its merits.

5. A request addressed to a State party under paragraph 1 of this rule shall include a statement of the fact that such a request does not imply that any decision has been reached on the question of admissibility.

6. Within fixed time limits, each party may be afforded an opportunity to comment on submissions made by the other party pursuant to this rule.

Rule 92

1. Where the Committee decides that a communication is inadmissible under the Protocol it shall as soon as possible communicate its decision, through the Secretary-General, to the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

2. If the Committee has declared a communication inadmissible under article 5, paragraph 2, of the Protocol, this decision may be reviewed at a later date by the Committee upon a written request by or on behalf of the individual concerned containing information to the effect that the reasons for inadmissibility referred to in article 5, paragraph 2, no longer apply.

Consideration of communications on the merits

Rule 93

1. In those cases in which the issue of admissibility is decided before receiving the State party's reply on the merits, if the Committee or a working group established under rule 89, paragraph 1, rules that the communication is admissible, that decision and all other relevant information shall be submitted, through the Secretary-General, to the State party concerned. The author of the communication shall also be informed, through the Secretary-General, of the decision.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements clarifying the matter under consideration and the remedy, if any, that may have been taken by that State.

3. Any explanations or statements submitted by a State party pursuant to this rule shall be communicated, through the Secretary-General, to the author of the communication, who may submit any additional written information or observations within fixed time limits.

4. Upon consideration of the merits, the Committee may review a decision that a communication is admissible in the light of any explanations or statements submitted by the State party pursuant to this rule.

Rule 94

1. In those cases in which the parties have submitted information relating both to the questions of admissibility and the merits, or in which a decision on admissibility has already been taken and the parties have submitted information on the merits, the Committee shall consider the communication in the light of all written information made available to it by the individual and the State party concerned and shall formulate its views thereon. Prior thereto the Committee may refer the communication to a working group or to a special rapporteur to make recommendations to the Committee.

2. The Committee shall not decide on the merits of the communication without having considered the applicability of all the admissibility grounds referred to in the Optional Protocol.

3. The views of the Committee shall be communicated to the individual and to the State party concerned.

Rule 95

1. The Committee shall designate a Special Rapporteur for follow-up on views adopted under article 5, paragraph 4, of the Optional Protocol, for the purpose of ascertaining the measures taken by States parties to give effect to the Committee's views.

2. The Special Rapporteur may make such contacts and take such action as appropriate for the due performance of the follow-up mandate. The Special Rapporteur shall make such recommendations for further action by the Committee as may be necessary.

3. The Special Rapporteur shall regularly report to the Committee on follow-up activities.

4. The Committee shall include information on follow-up activities in its annual report.

Confidentiality

Rule 96*

1. Communications under the Optional Protocol shall be examined by the Committee and its Working Group established pursuant to rule 89 in closed session. Oral deliberations and summary records shall remain confidential.

2. All working documents issued for the Committee, the Working Group established pursuant to rule 89 or the Special Rapporteur designated pursuant to rule 89 (3) by the Secretariat, including summaries of communications prepared prior to registration, the list of summaries of communications, and all drafts prepared for the Committee, its Working Group established pursuant to rule 89 or the Special Rapporteur designated pursuant to rule 89 (3) shall remain confidential, unless the Committee decides otherwise.

3. Paragraph 1 shall not affect the right of the author of a communication or the State party concerned to make public any submissions or information bearing on the proceedings. However, the Committee, the Working Group established pursuant to rule 89 or the Special Rapporteur designated pursuant to rule 89 (3) may, as deemed appropriate, request the author of a communication or the State party concerned to keep confidential the whole or part of any such submissions or information.

4. When a decision has been taken on the confidentiality pursuant to paragraph 3 above, the Committee, the Working Group established pursuant to rule 89 or the Special Rapporteur designated pursuant to rule 89 (3) may decide that all or part of the submissions and other information, such as the identity of the author, may remain confidential after the Committee's decision on inadmissibility, merits or discontinuance has been adopted.

5. Subject to paragraph 4, the Committee's decisions on inadmissibility, merits and discontinuance shall be made public. The decisions of the Committee or the Special Rapporteur designated pursuant to rule 89 (3) under rule 86 shall be made public. No advance copies of any Committee decision shall be issued.

6. The Secretariat is responsible for the distribution of the Committee's final decisions. It shall not be responsible for the reproduction and the distribution of submissions concerning communications.

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* Rule 96, adopted at the 1585th meeting of the Committee on 10 April 1997, replaces old rules 96, 97 and 98.

Rule 97

Information furnished by the parties within the framework of follow-up to the Committee's views is not subject to confidentiality, unless the Committee decides otherwise. Decisions of the Committee relating to follow-up activities are equally not subject to confidentiality, unless the Committee decides otherwise.

Individual opinions

Rule 98

Any member of the Committee who has participated in a decision may request that his or her individual opinion be appended to the Committee's views or decision.

Chapter III

RULES OF PROCEDURES OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

* This chapter is taken from the document CERD/C/35/Rev.3

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INTRODUCTION

1. At its first and second sessions, the Committee on the Elimination of Racial Discrimination adopted 78 provisional rules of procedure based on texts prepared by the Secretary-General.[1]

2. At its fourth session, the Committee, by decision 1 (IV), amended rule 36 (previously provisional rule 35).[2]

3. At its fifth session, the Committee, by decision 1 (V), adopted rule 64 (previously provisional rule 64 A).[3]

4. At the same session, the Committee, by decision 2 (V), adopted rule 67 (previously provisional rule 66 A).[4]

5. At its seventh session, the Committee, by decision 2 (VII), amended rule 13.[5]

6. At the same session, the Committee, by decision 1 (VII), amended rule 58 (previously provisional rule 56).[6]

7. At its seventeenth session, the Committee, by decision 1 (XVII), amended rule 34.[7]

8. At the same session, the Committee, by decision 2 (XVII), amended rule 35 (previously provisional rule 62).[8]

9. At its 977th meeting, held in March 1993, the Committee on the Elimination of Racial Discrimination amended its rules of procedure with respect to its working methods under article 14 of the Convention. A new paragraph 3 was added to rule 87 and a new sentence was added to rule 92, paragraph 1.[9]

10. At its twenty-seventh session, the Committee adopted rules 80 to 93, with the exception of subparagraph (a) and the second part of subparagraph (b) of rule 91 which were adopted at the twenty-eighth session (previously provisional rules 79 to 92).[10]

11. At the same session, the Committee adopted paragraphs 1 to 4 of rule 94 (previously provisional rule 93).[11]

12. At its twenty-eighth session, the Committee adopted subparagraph (a) and the second part of subparagraph (b) of rule 91 and paragraphs 5 and 6 of rule 94 which had been left pending at its twenty-seventh session.[12]

13. At the same session, the Committee adopted rules 95 to 97 (previously provisional rules 94 to 96).[13]

14. At its twenty-ninth session, the Committee decided to delete the word "provisional" in its rules of procedure.[14]

15. At the same session, the Committee amended rules 27 and 28.[15]

16. At the same session, the Committee adopted rule 98.[16]

17. At the same session, the Committee also took the following decisions:

(a) To include a new part three entitled "Interpretation and amendments" at the end of its rules of procedure, incorporating under this new part provisional rule 63 which became rule 99, and

(b) To incorporate titles to the rules of procedure as well as a table of contents.[17]

Notes

[1] Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

[2] Ibid., Twenty-sixth Session, Supplement No. 18 (A/8418), chap. VII, sect. B.

[3] Ibid., Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect. A.

[4] Ibid.

[5] Ibid., Twenty-eighth Session, Supplement No. 18 (A/9018), chap. X, sect. A.

[6] Ibid.

[7] Ibid., Thirty-third Session, Supplement No. 18 (A/33/18), chap. X, sect. A.

[8] Ibid.

[9] Ibid., Forty-eighth Session, Supplement No. 18 (A/48/18), annex V.

[10] Ibid., Thirty-eighth Session, Supplement No. 18 (A/38/18), annex III.

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] Ibid., Thirty-ninth Session, Supplement No. 18 (A/39/18), chap. III.

[15] Ibid.

[16] Ibid.

[17] Ibid.

EXPLANATORY NOTE

Attention is drawn to rule 98, which provides that the underlined headings of the rules, which were inserted for reference purposes only, shall be disregarded in the interpretation of the rules.

PART ONE. GENERAL RULES

I. SESSIONS

Regular sessions

Rule 1

The Committee on the Elimination of Racial Discrimination (hereinafter referred to as "the Committee"), established under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "the Convention"), shall hold two regular sessions each year.

Dates of sessions

Rule 2

Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Special sessions

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Notification of opening date of sessions

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least 30 days in advance, and in the case of a special session, at least 18 days in advance, of the first meeting.

Place of sessions

Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject.

II. AGENDA

Provisional agenda for regular sessions

Rule 6

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of articles 9, 11, 12, 13, 14 and 15 of the Convention, and shall include:

(a) Any item decided upon by the Committee at a previous session;

(b) Any item proposed by the Chairman of the Committee;

(c) Any item proposed by a State party to the Convention;

(d) Any item proposed by a member of the Committee;

(e) Any item proposed by the Secretary-General.

Provisional agenda for special sessions

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for its consideration at that special session.

Adoption of the agenda

Rule 8

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 15.

Revision of the agenda

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, add, defer or delete items.

Transmission of the provisional agenda and basic documents

Rule 10

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 4.

III. MEMBERS OF THE COMMITTEE

Members

Rule 11

Members of the Committee shall be the 18 experts designated in accordance with article 8 of the Convention.

Beginning of term of office

Rule 12

The members of the Committee elected at the first election shall begin their term of office on the date of the first meeting of the Committee. In the case of members of the Committee elected at subsequent elections, their term of office shall begin on the day following the date of the expiration of the term of office of the members of the Committee whom they replace.

Filling of casual vacancies

Rule 13

1. When a casual vacancy occurs in the Committee the Secretary-General shall immediately request the State party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months to serve for the remainder of his predecessor's term. The name of the expert so appointed shall be submitted by the Secretary-General to the Committee for approval by secret ballot.

2. After the approval of the expert by the Committee, the Secretary-General shall notify the States parties to the Convention of the name of the member of the Committee filling a casual vacancy.

3. Except in the case of a vacancy arising from a member's death or disability, the Secretary-General and the Committee shall act in accordance with the provisions of paragraphs 1 and 2 of the present rule only after receiving, from the member concerned, written notification of his decision to cease to function as a member of the Committee.

Solemn declaration

Rule 14

Upon assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Elections

Rule 15

The Committee shall elect from among its own members a Chairman, three Vice-Chairmen and a Rapporteur.

Term of office

Rule 16

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

Position of Chairman in relation to the Committee

Rule 17

In exercising his functions as Chairman, the Chairman shall remain under the authority of the Committee.

Acting Chairman

Rule 18

If the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

Powers and duties of the Acting Chairman

Rule 19

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Replacement of officers

Rule 20

If any of the officers of the Committee ceases or declares his inability to function as a member of the Committee or, for any reason, is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Duties of the Secretary-General

Rule 21

The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

Statements

Rule 22

The Secretary-General or his representative shall be present, at all meetings of the Committee. He or his representative may, subject to rule 37, make either oral or written statements to the meetings of the Committee or its subsidiary bodies.

Servicing of meetings

Rule 23

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Keeping the members informed

Rule 24

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration.

Financial implications of proposals

Rule 25

Before any proposal which involves expenditures is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Official and working languages

Rule 26

Chinese, English, French, Russian and Spanish shall be the official languages and English, French, Russian and Spanish the working languages of the Committee.

Interpretation from an official language

Rule 27

Speeches made in any of the official languages shall be interpreted into the other official languages.

Interpretation from an unofficial language

Rule 28

Any person appearing before the Committee, may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation in the first official language.

Languages of records

Rule 29

Summary records of meetings of the Committee shall be drawn up in the working languages.

Languages of formal decisions and official documents

Rule 30

All formal decisions of the Committee shall be made available in the official languages. All official documents of the Committee shall be issued in the working languages, and any of them may be issued in the other official language upon the decision of the Committee.

VII. PUBLIC AND PRIVATE MEETINGS

Public and private meetings

Rule 31

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise, or it appears from the relevant provisions of the Convention that the meeting should be held in private.

Issue of communiqués concerning private meetings

Rule 32

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Correction of provisional summary records

Rule 33

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee, and to any others participating in the meetings. All such participants may, within three working days of the receipt of the provisional records of the meetings, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be decided by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

Distribution of summary records

Rule 34

1. The summary records of public meetings in their final form shall be documents for general distribution.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Distribution of official documents

Rule 35

1. Without prejudice to the provisions of rule 34 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents for general distribution, unless the Committee decides otherwise.

2. Reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 11, 12 and 13 and article 14 of the Convention shall be distributed by the Secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States parties under article 9 of the Convention shall be documents for general distribution, unless the State party concerned requests otherwise.

X. CONDUCT OF BUSINESS

Quorum

Rule 36

A majority of the members of the Committee shall constitute a quorum. The presence of two thirds of the members of the Committee is, however, required for a decision to be taken.

Powers of the Chairman

Rule 37

In addition to exercising the powers conferred upon him by the Convention and elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Committee, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the

Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He may also propose the adjournment or the closure of the debate or the adjournment or the suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 38

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting. A member raising a point of order may not speak on the substance of the matter under discussion.

Time limit for statements

Rule 39

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a member or representative exceeds his allotted time, the Chairman shall call him to order without delay.

List of speakers

Rule 40

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right of reply to any member or representative if a speech delivered after he has declared the list closed makes this desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Suspension or adjournment of meetings

Rule 41

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Adjournment of debate

Rule 42

During the discussion of any matter, a member may move the adjournment of the debate on the item under dissuasion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Closure of debate

Rule 43

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Order of motions

Rule 44

Subject to rule 38, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the item under discussion;

(d) For the closure of the debate on the item under discussion.

Submission of proposals

Rule 45

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Decisions on competence

Rule 46

Subject to rule 44, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Withdrawal of motions

Rule 47

A motion may be withdrawn by the member who proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Reconsiderations of proposals

Rule 48

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of its members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and to two speakers opposing the motion, after which it shall be immediately put to the vote.

XI. VOTING

Voting rights

Rule 49

Each member of the Committee shall have one vote.

Adoption of decisions

Rule 50

Except as otherwise provided in the Convention and elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present and voting. For the purpose of these rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Equally divided votes

Rule 51

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

Method of voting

Rule 52

Subject to rule 58, the Committee normally shall vote by show of hands, except that any member may request a roll-call, which shall he taken in the English alphabetical order of the names of the members of the Committee.

Roll-call votes

Rule 53

The vote of each member participating in any roll-call shall be inserted in the record.

Conduct during voting and explanation of votes

Rule 54

After the voting has commenced, there shall be no interruption of the voting except on a point, of order of a member in connection with the actual conduct of the voting. Brief statements by members consisting solely in explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

Division of proposals

Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Order of voting on amendments

Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the

amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Order of voting on proposals

Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals, however, shall be considered as previous questions and shall be put to the vote before them.

XII. ELECTIONS

Method of elections

Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of elections to fill a place for which there is only one candidate.

Conduct of elections when only one elective place is to be filled

Rule 59

When only one person or member is to be elected and, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast, provided that, after the third inconclusive ballot, votes may be cast for any eligible member. If three such unrestricted ballots are

inconclusive, the next three ballots shall be restricted to the two candidates who obtain the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or member is elected.

Conduct of elections when two or more elective places are to be filled

Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtain the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. SUBSIDIARY BODIES

Establishment of subsidiary bodies

Rule 61

1. The Committee may, in accordance with the provisions of the Convention and subject to the provisions of Rule 25, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.

2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure.

XIV. ANNUAL REPORT OF THE COMMITTEE

Annual report

Rule 62

The Committee shall report annually through the Secretary-General to the General Assembly, as provided in the Convention.

PART TWO. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS AND INFORMATION FROM STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Form and contents of reports

Rule 63

The Committee may, through the Secretary-General, inform the States parties of its wishes regarding the form and contents of the periodic reports required to be submitted under article 9 of the Convention.

Attendance by States parties at examination of reports

Rule 64

The Committee shall, through the Secretary-General, notify the States parties (as early as possible) of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

Request for additional information

Rule 65

If the Committee decides to request an additional report or further information from a State party under the provisions of article 9, paragraph 1, of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be supplied and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State party concerned.

Non-receipt of reports

Rule 66

1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report, or additional information.

2. If even after the reminder, referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly.

Suggestions and general recommendations

Rule 67

1. When considering a report submitted by a State party under article 9, the Committee shall first determine whether the report provides the information referred to in the relevant communications of the Committee.

2. If a report of the State party to the Convention, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish additional information.

3. If, on the basis of its examination of the reports and information supplied by the State party, the Committee determines that some of the obligations of that State under the Convention have not been discharged, it may make suggestions and general recommendations in accordance with article 9, paragraph 2, of the Convention.

Transmission of suggestions and general recommendations

Rule 68

1. Suggestions and general recommendations made by the Committee based on the examination of the reports and information received from States parties under article 9, paragraph 2, of the Convention shall be communicated by the Committee through the Secretary-General to the States parties for their comments.

2. The Committee may, where necessary, indicate a time limit within which comments from States parties are to be received.

3. Suggestions and general recommendations of the Committee, referred to in paragraph 1, shall be reported to the General Assembly, together with comments, if any, from States parties.

XVI. COMMUNICATIONS FROM STATES PARTIES UNDER ARTICLE 11 OF THE CONVENTION

Method of dealing with communications from States parties

Rule 69

1. When a matter is brought to the attention of the Committee by a State party in accordance with article 11, paragraph 1, of the Convention, the Committee shall examine it at a private meeting and shall then transmit it to the State party concerned through the Secretary-General.

The Committee in examining the communications shall not consider its substance. Any action at this stage by the Committee in respect of the communication shall in no way be construed as an expression of its views on the substance of the communication.

2. If the Committee is not in session, the Chairman shall bring the matter to the attention of its members by transmitting copies of the communication and requesting their consent to transmit such communication on behalf of the Committee, to the State party concerned in compliance with article 11, paragraph 1. The Chairman shall also specify a time limit of three weeks for their replies.

3. Upon receipt of the consent of the majority of the members, or, if within the specified time limit no replies are received, the Chairman shall transmit the communication to the State party concerned, through the Secretary-General, without delay.

4. In the event of any replies being received which represent the views of the majority of the Committee, the Chairman, while acting in accordance with such replies, shall bear in mind the requirement of urgency in transmitting the communication to the State party concerned on behalf of the Committee.

5. The Committee, or the Chairman on behalf of the Committee, shall remind the receiving State that the time limit for submission of its written explanations or statement under the Convention is three months.

6. When the Committee receives the explanations or statements of the receiving State, the procedure laid down above shall be followed with respect to the transmission of those explanations or statements to the State party submitting the initial communication.

Request for information

Rule 70

The Committee may call upon the States parties concerned to supply information relevant to the application of article 11 of the Convention. The Committee may indicate the manner as well as the time within which such information shall be supplied.

Notification to the States parties concerned

Rule 71

If any matter is submitted for consideration by the Committee under paragraph 2 of article 11 of the Convention, the Chairman, through the Secretary-General, shall inform the States parties concerned of the forthcoming consideration of this matter not later than 30 days in advance of the first meeting of the Committee, in the case of a regular session, and at least 18 days in advance of the first meeting of the Committee, in the case of a special session.

XVII. ESTABLISHMENT AND FUNCTIONS OF THE AD HOC CONCILIATION COMMISSION UNDER ARTICLES 12 AND 13 OF THE CONVENTION

Consultations on the composition of the Commission

Rule 72

After the Committee has obtained and collated all the information it thinks necessary as regards a dispute that has arisen under article 11, paragraph 2, of the Convention, the Chairman shall notify the States parties to the dispute and undertake consultations with them concerning the composition of the Ad Hoc Conciliation Commission (hereinafter referred to as "the Commission"), in accordance with article 12 of the Convention.

Appointment of members of the Commission

Rule 73

Upon receiving the unanimous consent of the States parties to the dispute regarding the composition of the Commission, the Chairman shall proceed to the appointment of the members of the Commission and shall inform the States parties to the dispute of the composition of the Commission.

Rule 74

1. If within three months of the Chairman's notification as provided in rule 72 above, the States parties to the dispute fail to reach agreement on all or part of the composition of the Commission, the Chairman shall then bring the situation to the attention of the Committee which shall proceed according to article 12, paragraph 1 (b), of the Convention at its next session.

2. Upon the completion of the election, the Chairman shall inform the States parties to the dispute of the composition of the Commission.

Solemn declaration by members of the Commission

Rule 75

Upon assuming his duties, each member of the Commission shall make the following solemn declaration at the first meeting of the Commission:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the ad hoc Conciliation Commission honourably, faithfully, impartially and conscientiously."

Filling of vacancies in the Commission

Rule 76

Whenever a vacancy arises in the Commission, the Chairman of the Committee shall fill the vacancy as soon as possible in accordance with procedures laid down in rules 72 to 74. He shall proceed with filling such vacancy upon receipt of a report from the Commission or upon a notification by the Secretary-General.

Transmission of information to members of the Commission

Rule 77

The information obtained and collated by the Committee shall be made available by its Chairman, through the Secretary-General to the members of the Commission at the time of notifying the members of the Commission of the date of the first meeting of the Commission.

Report of the Commission

Rule 78

1. The Chairman of the Committee shall communicate the report of the Commission referred to in article 13 of the Convention as soon as possible after its receipt to each of the States parties to the dispute and to the members of the Committee.

2. The States parties to the dispute, shall, within three months after the receipt of the Commission's report, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission. The Chairman shall transmit the information received from the States parties to the dispute to the members of the Committee.

3. After the expiry of the time limit provided for in the preceding paragraph, the Chairman of the Committee shall communicate the report of the Commission and any declaration of States parties concerned to the other States parties to the Convention.

Keeping members of the Committee informed

Rule 79

The Chairman of the Committee shall keep the members of the Committee informed of his actions under rules 73 to 78.

XVIII. PROCEDURE FOR CONSIDERING COMMUNICATIONS FROM INDIVIDUALS OR GROUPS OF INDIVIDUALS UNDER ARTICLE 14 OF THE CONVENTION

A. General provisions

Competence of the Committee

Rule 80

1. The Committee shall be competent to receive and consider communications and exercise the functions provided, for in article 14 of the Convention only when at least 10 States parties are bound by declarations recognizing the competence of the Committee in conformity with paragraph 1 thereof.

2. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee.

3. Consideration of communications pending before the Committee shall not be affected by the withdrawal of a declaration made under article 14 of the Convention.

4. The Secretary-General shall inform the other States parties of the name, composition and functions of any national legal body which has been established or indicated by a State party, in conformity with paragraph 3 of article 14.

National bodies

Rule 81

The Secretary-General shall keep the Committee informed of the name, composition and functions of any national legal body established or indicated under paragraph 2 of article 14 as competent to receive and consider petitions from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

Certified copies of registers of petitions

Rule 82

1. The Secretary-General shall keep the Committee informed of the contents of all certified copies of the register of petitions filed with him in accordance with paragraph 4 of article 14.

2. The Secretary-General may request clarifications from the States parties concerning the certified copies or the registers of petitions emanating from the national legal bodies responsible for such registers.

3. The contents of the certified copies of the registers of petitions transmitted to the Secretary-General shall not be publicly disclosed.

Record of communications received by the Secretary-General

Rule 83

1. The Secretary-General shall keep a record of all communications which are or appear to be submitted to the Committee by individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention and who are subject to the jurisdiction of a State party bound by a declaration under article 14.

2. The Secretary-General may, if he deems it necessary, request clarification of the author of a communication as to his wish to have his communication submitted to the Committee for consideration under article 14. In case of doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 85 below if it concerns a State party which has not made a declaration as provided for in paragraph 1 of article 14.

Information to be contained in a communication

Rule 84

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of article 14 to his communication, in particular:

(a) The name, address, age and occupation of the author and the verification of his identity;

(b) The name(s) of the State party or States parties against which the communication is directed;

(c) The object of the communication;

(d) The provision or provisions of the Convention alleged to have been violated;

(e) The facts of the claim;

(f) Steps taken by the author to exhaust domestic remedies, including pertinent documents;

(g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time limit to the author of the communication with a view to avoiding undue delays in the procedure.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 85, paragraph 1, below.

5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and that the text of his communication shall be transmitted confidentially to the State party concerned in accordance with paragraph 6 (a) of article 14.

Transmission of communications to the Committee

Rule 85

1. The Secretary-General shall summarize each communication thus received and shall place the summaries, individually or in composite lists of communications, before the Committee at its next regular session, together with the relevant certified copies of the registers of petitions kept by the national legal body of the country concerned and filed with the Secretary-General in compliance with paragraph 4 of article 14.

2. The Secretary-General shall draw the attention of the Committee to those cases for which certified copies of the registers of petitions have not been received.

3. The contents of replies to requests for clarification and relevant subsequent submissions from either the author of the communication or the State party concerned shall be placed before the Committee in a suitable form.

4. An original case file shall be kept for each summarized communication. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request.

B. Procedure for determining admissibility of communications

Method of dealing with communications

Rule 86

1. In accordance with the following rules, the Committee shall decide as soon as possible whether or not a communication is admissible in conformity with article 14 of the Convention.

2. The Committee shall, unless it decides otherwise, deal with communications in the order in which they have been placed before it by the Secretariat. The Committee may, if it deems appropriate, decide to consider jointly two or more communications.

Establishment of a working group

Rule 87

1. The Committee may, in accordance with rule 61, set up a Working Group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications laid down in article 14 of the Convention and assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall not comprise more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings.

3. The Committee may designate a special rapporteur from among its members to assist it in the handling of new communications.

Meetings

Rule 88

Meetings of the Committee or its Working Group during which communications under article 14 of the Convention will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of article 14 may be public if the Committee so decides.

Inability of a member to take part in the examination of a communication

Rule 89

1. A member of the Committee shall not take part in the examination of a communication by the Committee or its Working Group:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

Withdrawal of a member

Rule 90

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

Conditions for admissibility of communications

Rule 91

With a view to reaching a decision on the admissibility of a communication, the Committee or its Working Group shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual or group of individuals subject to the jurisdiction of a State party recognizing the competence of the Committee under article 14 of the Convention;

(b) That the individual claims to be a victim of a violation by the State party concerned of any of the rights set forth in the Convention. As a general rule, the communication should be submitted by the individual himself or by his relatives or designated representatives; the Committee may, however, in exceptional cases accept to consider a communication submitted by others on behalf of an alleged victim when it appears that the victim is unable to submit the communication himself, and the author of the communication justifies his acting on the victim's behalf;

(c) That the communication is compatible with the provisions of the Convention;

(d) That the communication is not an abuse of the right to submit a communication in conformity with article 14;

(e) That the individual has exhausted all available domestic remedies, including, when applicable, those mentioned in paragraph 2 of article 14. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(f) That the communication is, except in the case of duly verified exceptional circumstances, submitted within six months after all available domestic remedies have been exhausted, including, when applicable, those indicated in paragraph 2 of article 14.

Additional information, clarifications and observations

Rule 92

1. The Committee or the Working Group established under rule 87 may request, through the Secretary-General, the State party concerned or the author of the communication to submit additional written information or clarifications relevant to the question of admissibility of the communication. A request for information my also emanate from a special rapporteur designated under rule 87, paragraph 3.

2. Such requests shall contain a statement to the effect that the request does not imply that a decision has been reached on the question of admissibility of the communication by the Committee.